

# EXHIBIT 1

## Affidavit of Kaycee L. Weeter

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

IN RE: NEW ENGLAND COMPOUNDING  
PHARMACY, INC.  
PRODUCTS LIABILITY LITIGATION

)  
)  
) MDL No.:  
) Dkt. No 1:13-md-2419 (RWZ)  
)

This Document Relates to:

)  
)  
) Ten (10) Suits Naming the SSC Defendants  
) Dismissed at Dkt. 3188:  
)

)  
) Cox, No. 1:13-cv-12918;  
) Dingess, No. 1:13-cv-12490;  
) Hubbard, No. 1:13-cv-12922;  
) Jackson, No. 1:13-cv-12923;  
) Johnson, No. 1:13-cv-12915;  
) Lapiska, No. 1:13-cv-12914;  
) Nealon, No. 1:13-cv-12491;  
) Norris, No. 1:13-cv-12682;  
) Palmer, No. 1:13-cv-12688;  
) Reed, No. 1:13-cv-12917  
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**AFFIDAVIT OF KAYCEE L. WEETER, ESQ.**

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STATE OF TENNESSEE )  
)  
COUNTY OF DAVIDSON )

Kaycee L. Weeter, Esq., after first being duly sworn, states as follows:

1. I am over the age of 18, have personal knowledge of the facts contained herein, and am competent to testify to the same.

2. I am an attorney with Gideon, Cooper & Essary, PLC. I am one of the attorneys representing Specialty Surgery Center, PLLC ("SSC"), Kenneth Lister, MD ("Dr. Lister"), and Kenneth Lister, MD, PC ("Dr. Lister's Practice") (collectively the "SSC Defendants").

3. I have primary responsibility to draft the papers supporting our request for assessment of costs following the dismissal of ten (10) cases against the SSC Defendants at Dkt. 3188. I am responsible for gathering and organizing the supporting documents for the Bill of Costs and drafting the Bill of Costs.

4. I am in the process of organizing supporting documents and calculating costs to complete the Bill of Costs for the ten (10) cases dismissed at Dkt. 3188. This process began shortly after the dismissal of the cases and has continued since then.

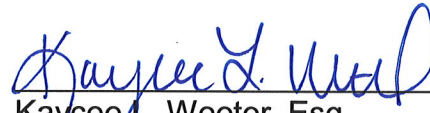
5. The invoices and documents supporting the SSC Defendants' forthcoming Bill of Costs are voluminous and substantial given the duration of the MDL and the extensive depositions, expert work, and written discovery that has taken place. There is extensive work, including extensive administrative work, involved in tallying the SSC Defendants' recoverable costs and gathering and organizing the supporting documents.

6. More time is necessary to complete this process. This is the first request for additional time to gather and tabulate the documents supporting the forthcoming Bill of Costs. This request is reasonable given the amount of work necessary to complete the Bill of Costs, and the consistent effort invested in this process since shortly after the Court dismissed the cases at Dkt. 3188.

7. Although our office believes that any time period (to the extent there is even a deadline) to submit the Bill of Costs has not yet begun to run, this affidavit and the accompanying Motion are filed to ensure that the right to petition for costs is preserved, that sufficient time is allowed to submit a properly supported motion, and the Court is informed that the SSC Defendants are working on the Bill of Costs in a timely manner.

8. Counsel for the SSC Defendants expect to submit their Bill of Costs for the ten (10) cases dismissed at Dkt. 3188 within thirty (30) days of filing the attached Motion for Assessment of Litigation Costs and Motion for Extension of Time to Submit Bill of Costs.

9. There is no reasonably foreseeable prejudice to any party involved in this MDL associated with this request. The other parties will still have ample time to contest, if necessary, any of the submitted costs.

  
Kaycee L. Weeter, Esq.

Sworn to and subscribed by me this 28<sup>th</sup> day of December, 2016.

  
Notary Public

My Commission Expires: 07/03/17

